

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

John Gallman,	)	
	)	
Plaintiff,	)	C/A No. 5:12-2782-TMC
	)	
v.	)	<b>ORDER</b>
	)	
Carolyn W. Colvin, <sup>1</sup>	)	
Acting Commissioner of the Social	)	
Security Administration,	)	
	)	
Defendant.	)	

Plaintiff John Gallman brought this action under 42 U.S.C. § 405(g), seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying his claim for disability insurance benefits under the Social Security Act. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the Commissioner’s decision be reversed, and the case be remanded pursuant to sentence four of § 405(g) to the Commissioner for further administrative action consistent with the Report. (ECF No. 34). Plaintiff has not filed any objections to the Report. On November 18, 2013, the Commissioner filed a notice stating she would not be filing any objections to the Report. (ECF No. 36).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a

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<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of the Social Security Administration on February 14, 2012. Pursuant to Fed.R.Civ.P.25(d), Colvin is substituted for Michael J. Astrue.

timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough and careful review of the record, the court adopts the Report and incorporates it herein by reference. The Commissioner’s final decision is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this order and the Report.

**IT IS SO ORDERED.**

s/ Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
November 21, 2013